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WAR FOOD ADMINISTRATION  
OFFICE OF MARKETING SERVICES  
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March 1945

PROSECUTIONS, SEIZURES, AND CEASE AND DESIST ORDERS  
UNDER THE FEDERAL SEED ACT

July 1, 1944, to January 1, 1945 (Nos. 90-103)

90. False labeling of timothy seed. U. S. v. U. J. Cover Seed Company, Mt. Gilead, Ohio. Plea of guilty. Fine, \$200. Probation for 3 years. (F. S. 358.)

The U. J. Cover Seed Company, Mt. Gilead, Ohio, delivered on August 30, 1941, September 2, 1941, and September 3, 1941, for transportation in interstate commerce from Mt. Gilead, Ohio, to Cynthiana, Ky., a total of 100 bags of timothy seed.

Information was filed in the U. S. District Court, Columbus, Ohio, alleging that the U. J. Cover Seed Company delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The seed offered for sale in interstate commerce was represented to have 90 percent germination and labels attached to the bags showed "Germination 90% - Test August 1941"; whereas, a sample representing this seed was found to germinate 22.75 percent in December 1941. The labels attached to the bags did not show the presence of any noxious-weed seeds; whereas, a sample representing the seed showed the presence of buckhorn and sorrel at the rates of 8 and 3 per ounce, respectively. Buckhorn and sorrel are considered noxious-weed seeds in the State of Kentucky and the label should have shown the name and number of each per ounce.

On October 10, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$200 and placed the defendant on probation for 3 years.

91. False and incomplete labeling of vegetable seed. U. S. v. The Charles H. Lilly Company, Seattle, Wash. Plea of guilty. Fine, \$250 and costs. (F. S. 394.)

The Charles H. Lilly Company, Seattle, Wash., delivered on January 12, 1942, for transportation in interstate commerce from Seattle, Wash., to themselves at Portland, Oreg., 774 cartons of garden seeds.

Information was filed in the U. S. District Court for the Western District of Washington alleging that The Charles H. Lilly Company unlawfully delivered for transportation in interstate commerce 774 cartons containing an unknown number of packets of vegetable seeds including a total of 19,097 packets of 1/8 ounce each or 149 pounds of 4 varieties of onion seed. The onion seed was falsely labeled in that it was found to be below the germination standard of 70 percent and the packets did not show the words "Below Standard," the percentage of germination, and the date of the germination test as required by the Federal Seed Act. In March and April 1942 the seed was found to germinate from 8 percent to 38 percent.

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On September 1, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$250 and costs.

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92. False and incomplete labeling of vegetable seed. U. S. v. Lake Shore Seed Company, Dunkirk, N. Y. Plea of nolo contendere. Fine, \$500. (F. S. 400.)

The Lake Shore Seed Company, Dunkirk, N. Y., delivered in April and May 1942 for transportation in interstate commerce from Dunkirk, N. Y., to 9 dealers in Delaware and Indiana a total of 12 display boxes containing approximately 4,500 packets of vegetable seeds.

Information was filed in the United States District Court for the Western District of New York alleging that the Lake Shore Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Fifty varieties of vegetable seeds shipped into Delaware and 35 varieties of vegetable seeds shipped into Indiana were found to be below the standards for germination provided for under the Federal Seed Act and the packets were not completely labeled in that the labeling on the packets failed to show the germination percentage, the date of the germination test, and the words "Below Standard."

2. The packets, representing 12 varieties of vegetable seeds shipped into Delaware and 2 varieties shipped into Indiana, were falsely labeled as to variety.

On October 16, 1944, the court imposed a fine of \$500 on the first count and suspended a fine of \$500 on each of 8 remaining counts.

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93. False advertising and false labeling of soybean seed. U. S. v. M. B. Diederich, North Ridgeville, Ohio. Plea of guilty. Fine, \$300. (F. S. 403.)

M. B. Diederich on April 16, 1942, delivered for transportation in interstate commerce from North Ridgeville, Ohio, to Yorktown, Ill., 20 bags of soybean seed, in the fall of 1941 disseminated in interstate commerce certain advertisements relative to soybean seed, and on or about April 13 and April 20, 1942, delivered for transportation in interstate commerce from North Ridgeville, Ohio, to Dysart, Iowa, 6 bushels of soybean seed.

Information was filed in the United States District Court at Cleveland, Ohio, alleging that the advertisements were false, that the 6 bushels of soybean seed had been shipped after having been falsely advertised, and that the 20 bags of soybeans were falsely labeled "BX," an abbreviation of the words "Buckeye Cross," also represented to be a new variety, all in violation of the Federal Seed Act.

The seed represented to be "McClave" was advertised as being a high yielder, early maturing, nonshattering, and high in oil content. The advertisement



contained excerpts lifted from experiment station reports and so placed together as to create the false impression that the so-called McClave variety was found to be high in yield and oil content as compared with other varieties. The seed was found to be the old Midwest variety which was discarded by farmers many years ago because of its inferiority.

The 20 bags of so-called BX or Buckeye Cross soybeans were found to be the Mt. Carmel variety.

On September 21, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$100 in each of the 3 counts or a total of \$300 and costs.

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94. False labeling of oat seed. U. S. v. 500 bags of oat seed. Seed seized and released under bond. (F. S. 404.)

A. N. Moye, Barnesville, Ga., delivered on August 14, 1943, for transportation in interstate commerce from Barnesville, Ga., to Chattanooga, Tenn., 500 bags of oat seed.

A libel was filed in the United States District Court for the Eastern District of Tennessee praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 86 percent; whereas, samples representing various portions of the seed showed germination percentages from 49 percent to 85 percent. In addition, this seed was labeled to indicate it was all of one lot; whereas, it was not considered one lot of seed due to the lack of uniformity.

The United States marshal seized 335 bags of the seed which were subsequently released to the claimants under bond conditioned upon the seed not being sold contrary to the Federal Seed Act or State seed law.

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95. False and incomplete labeling of vegetable seed. U. S. v. Lake Shore Seed Company, Dunkirk, N. Y. Plea of nolo contendere. Fine \$500. (F. S. 409.)

The Lake Shore Seed Company, Dunkirk, N. Y., delivered in December 1942, January, February, March, April, and May 1943 for transportation in interstate commerce to various dealers in Delaware, Pennsylvania, New Jersey, and Vermont a total of 437 display boxes containing approximately 88,800 packets of vegetable seeds.

Information was filed in the United States District Court for the Western District of New York alleging that the Lake Shore Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. Fifty-three varieties of

these vegetable seeds were found to be below the standards provided in section 201.31 of the regulations under the Federal Seed Act and the packets did not show the percentage of germination, the month and year the germination test was completed, and the words "Below Standard" as required in section 201 (b) of the act. In addition, the packets representing one variety in three shipments were falsely labeled as to variety.

On October 6, 1944, the court imposed a fine of \$500 on the first count and suspended a fine of \$500 on each of 15 remaining counts.

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96. False labeling of ryegrass seed. U. S. v. 21 bags consisting of 2 lots of ryegrass seed. Seed seized and ordered destroyed. (F. S. 411.)

The Buchanan-Cellers Grain Company, McMinnville, Oreg., delivered on September 14, 1943, for transportation in interstate commerce from Corvallis, Oreg., to Louisville, Ky., 300 bags consisting of 10 lots of ryegrass seed.

On April 12, 1944, a libel was filed in the United States District Court for the Western District of Kentucky alleging 2 lots, 21 bags, of the seed to be falsely labeled in violation of the Federal Seed Act.

Labels attached to 7 bags of the seed bore the statement "Name and number of noxious weeds per pound pure seed None"; and labels attached to 14 bags bore the statement "Name and number of noxious weeds per pound pure seed Sorrel 180." Samples representing these 2 lots of seed were found to contain quackgrass seeds at the rate of 7 and 117 per ounce, respectively. Quackgrass seed is considered a noxious-weed seed in the State of Kentucky and is therefore recognized in the administration of the Federal Seed Act and the seed should have been labeled to show the number per ounce.

Twenty-one bags of the seed were seized. On July 8, 1944, no claimant having appeared the court ordered the seed to be destroyed.

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97. Shipment of oat seed after false advertising. U. S. v. Imperial Seed Company, Clear Lake, Iowa. Plea of guilty. Fine, \$110 plus costs. (F. S. 412.)

The Imperial Seed Company, Clear Lake, Iowa, in February and March 1943, delivered for transportation in interstate commerce from Clear Lake, Iowa, to various dealers in Illinois and Missouri 11 shipments of oat seed totaling 2,916 bushels.

Information was filed in the United States District Court for the Northern District of Iowa alleging that the Imperial Seed Company unlawfully delivered for transportation in interstate commerce in violation of the Federal Seed Act the above-mentioned shipments of seed after being falsely advertised.



These shipments of oat seed were of the varieties, Legacy, Erban, and Cartier, and were variously represented orally to be early maturing; to mature as early in Missouri as home-grown varieties; to be earlier maturing than oats known as Iowa No. 103; to be rust-resistant and high-yielding; to be an 80-day variety; to be a variety on the order of hybrid corn; to be a variety developed from a "4-way cross"; to be early crown-rust resistant; to be an 80-day oat; not to fall down because they were free of disease; to be a variety that is nearly free from rust; to ripen only 2 or 3 days later than Columbia oats; to be a variety which stooled widely as many as 20 stalks to a plant; to yield much heavier than home-grown varieties; to yield 75 to 100 bushels per acre on land that would produce only 35 to 50 bushels of other varieties grown in Missouri; and under normal conditions to produce twice as many bushels as ordinary oats. These representations are not borne out by the results of tests made at experiment stations in the States of Illinois and Missouri where the representations were made.

On August 28, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$10 on each of 11 counts totaling \$110 plus court costs of \$20.50.

98. False labeling of Sudan grass seed. U. S. v. Great West Grain and Seed Company, Fort Worth, Tex. Plea of guilty. Fine, \$25. (F. S. 415.)

The Great West Grain and Seed Company on April 10, 1943, delivered for transportation in interstate commerce from Fort Worth, Tex., to Tulsa, Okla., 300 bags of Sudan grass seed; and on May 15, 1943, delivered for transportation in interstate commerce from Fort Worth, Tex., to Sioux Falls, S. Dak., 500 bags of Sudan grass seed.

Information was filed in the United States District Court for the Northern District of Texas alleging that the Great West Grain and Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the 300 bags of Sudan grass seed shipped to Oklahoma represented the seed to contain no noxious-weed seeds; whereas, Johnson grass seeds were found at the rate of 105 per pound and buffalo-bur at the rate of 9 per pound. Johnson grass seeds and buffalo-bur seeds are considered noxious-weed seeds in the State of Oklahoma and the labels should have shown the name and number of each per pound. The 500 bags of Sudan grass shipped to South Dakota were falsely labeled as to germination. The labels represented the seed to have a germination of 82 percent; whereas, the seed was found to have a germination of 54 percent in June 1943.

On November 6, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$25.

99. False labeling of red clover seed. U. S. v. The Belt Seed Company, Inc., Baltimore, Md. Plea of guilty. Fine, \$55. (F. S. 416.)

The Belt Seed Company, Inc., on or about January 23, 1943, delivered for transportation in interstate commerce from Baltimore, Md., to Sedro Woolley, Wash., 2 bags of red clover seed; and on or about March 29, 1943, delivered for transportation in interstate commerce from Baltimore, Md., to Decatur, Ill., 76 bags of lespedeza seed.

Information was filed in the United States District Court for the District of Maryland alleging that The Belt Seed Company, Inc., delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to the red clover seed shipped to Washington represented the seed to contain 99 percent pure seed and 0.10 percent weed seed; whereas, it was found to contain 44 percent red clover seed, and 55.24 percent weed seed.

In addition, the seed was represented not to contain any noxious-weed seeds; whereas, the seed was found to contain dodder at the rate of 3,541 seeds per pound. Labels attached to the lespedeza seed shipped into Illinois represented the seed to contain 3 dodder seeds per ounce; whereas, it was found to contain 23 horsenettle and 5 dodder seeds per ounce. Horsenettle and dodder seeds are considered secondary noxious-weed seeds in the State of Illinois and the labels should have shown the name and number per ounce present singly or collectively in excess of 1 in each 10 grams of lespedeza seed.

On September 22, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$55.

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100. False labeling of alfalfa seed. U. S. v. 2 bags of alfalfa seed. Seed seized and ordered destroyed. (F. S. 418.)

The Montana Seed Company delivered on or about March 13, 1944, for transportation in interstate commerce from Bozeman, Mont., to Winthrop, Wash., 2 bags of alfalfa seed.

A libel was filed on June 5, 1944, in the United States District Court for the Northern Division of the Eastern District of Washington praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the alfalfa seed represented the seed to have 95 percent pure seed and 70 percent germination; whereas, a sample representing the seed showed 91.55 percent pure seed and was found to germinate 37 percent with 6 percent hard seeds remaining. In addition, the labels failed to show the presence of noxious-weed seeds; whereas, the seed was found to contain dock and dodder seeds at the rates of 135 and 126 per pound, respectively.

The seed was seized by the United States marshal and on July 21, 1944, no claimant having appeared, the court ordered that the seed be destroyed.

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101. False labeling of rye seed. U. S. v. 9 bags of rye seed. Seed seized and ordered destroyed. (F. S. 419.)

The Belt Seed Company, Inc., on or about March 14, 1944, delivered for transportation in interstate commerce from Baltimore, Md., to Marion, Ind., 9 bags of rye seed.

A libel was filed in the United States District Court for the Northern District of Indiana praying seizure of this seed and alleging same to be falsely labeled in violation of the Federal Seed Act.

Labels attached to the rye seed represented the seed to have a germination of 80 percent; whereas, a sample representing the seed showed a germination of 32 percent in May 1944. In addition, the labels did not show the presence of noxious-weed seeds; whereas, a sample representing the seed was found to contain mustard, a noxious-weed seed in Indiana, at the rate of 59 per pound.

The seed was seized by the United States marshal and on October 6, 1944, no claimant having appeared, the court ordered that the seed be destroyed.

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102. False labeling of Kentucky bluegrass seed. U. S. v. 71 bags of Kentucky bluegrass seed. Seed seized and relabeled. (F. S. 420.)

The Mitchelhill Seed Company on or about April 19, 1944, delivered for transportation in interstate commerce from St. Joseph, Mo., to Fayette, Ala., 79 bags of Kentucky bluegrass seed.

A libel was filed on August 2, 1944, in the United States District Court for the Northern District of Alabama praying seizure of 71 remaining bags of this seed in possession of the Farmers Marketing and Exchange Association, Fayette, Ala., and alleging same to be in violation of the Federal Seed Act.

Labels attached to the Kentucky bluegrass represented the seed to contain 336 sorrel per pound; whereas, it was found to contain 844 sorrel per pound. Sorrel is considered a secondary noxious-weed seed in the State of Alabama. The sale of seed containing more than 500 secondary noxious-weed seeds is prohibited in that State, and the shipment of such seed into the State is therefore prohibited by the Federal Seed Act.

The seed was seized by the United States marshal. On August 31, 1944, the court ordered that the seed be released to the claimant under bond in the sum of \$500 conditioned upon the seed being brought into compliance with the Federal Seed Act under the supervision of a representative of the War Food Administration and not sold contrary to law.

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103. False labeling of lespedeza seed, rye seed, and wheat seed. In re: E. K. Hardison Seed Company et al. Cease and desist proceedings. (Federal Seed Docket No. 1.)

The E. K. Hardison Seed Company, Nashville, Tenn., delivered for transportation in interstate commerce from Nashville, Tenn., to various dealers in Alabama in November and December 1941, a total of 193 bags of lespedeza seed; to Atlanta, Ga., in February 1942, 26 bags of lespedeza seed; to Hartselle, Ala., in November 1941, 20 bags of rye seed; to Dothan, Ala., in September 1942, 20 bags of rye seed; and to Talladega, Ala., in October 1942, 8 bags of wheat seed.

On May 27, 1943, a complaint was issued by the Assistant to the Secretary of Agriculture against the E. K. Hardison Seed Company alleging that the above-mentioned shipments were delivered for transportation in interstate commerce in violation of the Federal Seed Act.

On September 27 and 28, 1943, a hearing was held at Nashville, Tenn., before an examiner of the United States Department of Agriculture.

Forty-five bags and 70 bags of the lespedeza seed delivered in November 1941 were labeled to show 96 dodder seeds per pound; whereas, 17 bags of the seed were found to contain approximately 256 dodder seeds per pound and 1 bag contained approximately 18,900 dodder seeds per pound. Ten bags of the lespedeza seed delivered in December 1941 were labeled to show 96 dodder per pound; whereas, the seed was found to contain 280 dodder seeds per pound. Sixty-eight bags of the lespedeza seed delivered in December 1941 were labeled to show 64 dodder seeds per pound. Two witnesses who testified concerning analyses of samples when this shipment of 68 bags was being considered at the hearing did not connect the samples involved in their testimony with this shipment and the record does not show whether the labels on the shipment were true or false.

The 26 bags of lespedeza seed delivered in February 1942 were labeled to show 96 dodder seeds per pound and 1.10 percent weed seeds; whereas, the seed was found to contain over 600 dodder seeds per pound and over 1.80 percent weed seeds.

The 20 bags of rye seed delivered in November 1941 were labeled to show a germination of 88 percent; whereas, samples representing the seed were found to germinate 62 percent in December 1941. The 20 bags of rye seed delivered in September 1942 were labeled to show a germination of 90 percent; whereas, a sample representing the seed was found to germinate 60 percent in October 1942.

The 8 bags of wheat seed delivered in October 1942 were labeled to show the presence of cheat as the only noxious-weed seed; whereas, a sample representing the seed was found to contain corncockle, a noxious-weed seed, at the rate of 41 per pound.

On September 26, 1944, the E. K. Hardison Seed Company was ordered by the War Food Administration to cease and desist from shipping or delivering for transportation to another State agricultural seeds to which are attached labels containing false statements or labels not showing the presence of any seeds considered seeds of a noxious weed by the law of such other State if such noxious-weed seeds are present.

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